

UNITED STATES DISTRICT COURT FOR THE  
MIDDLE DISTRICT OF PENNSYLVANIA

TIMOTHY LEE HATTEN,  
Plaintiff

vs.

BRYAN BLEDSOE, Warden, et. al.  
Defendant

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: CIVIL NO. 1:13-CV-00209  
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*O R D E R*

AND NOW, this 28th day of October, 2014, upon consideration of the Report and Recommendation of Magistrate Judge Mehalchick (Doc. 43), and the objections that were filed, it is ORDERED that:

1. The Report and Recommendation (Doc. 43) are ADOPTED with respect to Defendants' first motion to dismiss.
2. The Report and Recommendation concerning Defendant's second motion to dismiss and motion for summary judgment are ADOPTED with the following ADDITIONS:
  - a. Defendant Bledsoe is dismissed from counts twelve, thirteen, and fourteen and dismissed as a party.
  - b. Defendants Brewer, Crawley, Fosnot, Liesenfled, Treibley, and Zegarski are granted summary judgment on the July 16, 2011 excessive force claim contained in count one. Defendant Miller remains a defendant.
  - c. Defendants Brewer, Crawley, Fosnot, Liesenfled, and Treibley are granted summary judgment on the retaliation claim contained in count two. Defendants Miller and Zegarski remain defendants.
3. This case be remanded to Magistrate Judge Mehalchick for further proceedings.

/s/William W. Caldwell  
William W. Caldwell  
United States District Judge